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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,923	11/30/2002	Iwao Fujisaki		5324

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EXAMINER

FREJD, RUSSELL WARREN

ART UNIT

PAPER NUMBER

2128

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,923

Applicant(s)

FUJISAKI, IWA0

Examiner

Russell Frejd

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

In re Application of: Fujisaki

Examination of Application #10/065,923

1. Claims 29-31 of application 10/065,923, filed on 30-November-2002, are presented for examination. Claims 11-28 were cancelled by the amendment received on 30-January-2006, Claims 1-10 were cancelled by the preliminary amendment received on 29-August-2003.

Specification Objections

2. The disclosure is objected to because of numerous grammatical errors. For example, [p. 1, sec. 0002, line 7] contains the word "beingdoes"; and sections [0003 and 0005-0019] contain errors, on line 1 of each section, similar to "6,317,125introduces". Appropriate correction throughout the specification is required.

Also, in the Brief Description of Drawings, the Examiner respectfully notes that every drawing is described, or nearly described, as "a simplified illustration of an exemplary embodiment of the present invention." As these descriptions may indeed be a broadly interpreted description of the present invention, the Examiner respectfully notes that the Detailed Description describes these drawings with much more clarity. Amending this information into the Brief description of the Drawings would, in the Examiner's opinion, render the application much more understandable to a user.

Claim Rejections under 35 U.S.C. § 112, 2nd Paragraph

3. Claims 29-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

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the invention. The claims are replete with grammatical errors to such an extent that they are rendered vague and indefinite. For example, in claim 29, the phrases "which displays object" [line 1]; "wrinkle on display", "method comprising the", and "retrieving image" [line 2]; "object from data storage" [line 3]; "comprises arm", "comprises upper" [line 4]; "joint, arm joint angle value" [line 6]; "indicates 1st value", "a 1st length of wrinkle image" [line 8]; "image of wrinkle" [line 9]; "indicates 2nd value", "a 2nd length of wrinkle image" [line 10]; and "2nd value is value higher" [line 12].

These errors are representative of similar errors found throughout claims 29-31, and are in need of correction.

Claim Rejections under 35 U.S.C. § 101**4.** 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

4.1 Claim 30 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The invention claims (claim 1 preamble), "*An arm joint wrinkle displaying method which displays (object) with arm joint wrinkle on display.*"

4.2 MPEP Section 2106(IV)(B)(2)(b)(ii) provides that a statutory computer process is determined not by how the computer performs the process, but by what the computer does to achieve a practical application with a useful, concrete and tangible result. For example, a computer process that simply calculates a mathematical algorithm that models noise is nonstatutory, while a claimed process for digitally filtering noise employing the mathematical

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algorithm is statutory. The long line of cases in this area that are referred to in MPEP Section 2106(IV)(B)(2)(b)(ii) exemplify this requirement, by utilizing in the claim language, terms such as controlling, executing, changing and removing. In view of the aforementioned requirement and the interim guidelines for 101 subject matter eligibility, the Examiner respectfully contends that the claim language of claim 30 does not claim a practical application or provide a useful, concrete and tangible result, that language claiming:

retrieving (emphasis added) (an) image of said object from data storage area; and
displaying said image of said object on said display.

4.3 For at least these reasons, the Examiner respectfully posits that the claims of the present invention do not meet the criteria for a statutory process. Accordingly, the claims are determined to be an arm joint wrinkle displaying method which displays (object) with arm joint wrinkle on display, consisting solely of mathematical operations, converting one set of numbers (the 1st and 2nd values) into another set of numbers (the 1st and 2nd wrinkle image integral numbers), whereby the method does not manipulate appropriate subject matter, and thus cannot constitute a statutory process (MPEP Section 2106(IV)(B)(2)(c)).

Allowed Claims

5. Claims 29-31 are deemed allowable over the prior art of record at this time, pending resolution of any rejections noted above.

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Response Guidelines

6. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02, 710.02(b)).

6.1 Any response to the Examiner in regard to this non-final action should be

directed to: Russell Frejd, telephone number (571) 272-3779, Monday-Friday from 0530 to 1400 ET, **or** the examiner's supervisor, Kamini Shah, telephone number (571) 272-2279. Inquires of a general nature or relating to the status of this application should be directed to the TC2100 Group Receptionist (571) 272-2100.

mailed to: Commissioner of Patents and Trademarks
P.O. Box 1450, Alexandria, VA 22313-1450

or faxed to: (571) 273-8300

Hand-delivered responses should be brought to the Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

Date: 1-May-2006

A handwritten signature in cursive script that reads "RUSSELL FREJD". The signature is written in dark ink and is positioned above a horizontal line.

**RUSSELL FREJD
PRIMARY EXAMINER**